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Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket No. 06-36

Annual 64.2009(e) CPNI Certification for Midwest Telecom of America, Inc. for the year 2009.

Date filed: February 16, 2010

Form 499 Filer ID: 816524

Name of signatory: James Smutniak

Title of signatory: VP

I, James Smutniak, certify that I am an Officer of Midwest Telecom of America, Inc. I hereby certify and declare I have personal knowledge that the Company has established operating procedures which ensure compliance with the FCC's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is Exhibit A, which explains operating procedures to ensure that the Company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not taken any actions nor has it been a party to any proceedings instituted or petitions filed by any entity at either state commissions, the court system, or at the FCC against data brokers in the past year. The Company has no information to indicate that any pretexters have attempted to access any Customer's CPNI within the past year.

The Company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

James S. Smutniak, Affiant, certifies, affirms, deposes that he is the Vice President of Midwest Telecom of America, Inc., and that he is authorized to and does make this Certification for and on behalf of Midwest Telecom of America, Inc.

Signed



Dated

2-16-2010

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| | | |
|--|---------------------|------------------------|
| Subscribed and sworn to, before me this <u>16</u> day of <u>FEB</u> , 20 <u>10</u> | | |
| My commission expires: <u>3/5/10</u> | State of: <u>IN</u> | County of: <u>LAKE</u> |
| Signature of notary: <u>Linda D. Meusz</u> | | |

Notary Public - State of Indiana
Lake County
My Commission Expires
March 5, 2010



EXHIBIT A

Statement of CPNI Procedures and Compliance


**Midwest Telecom of America, Inc.
1567 E. 93rd Avenue
Merrillville, IN 46410**

As an owner and officer of Midwest Telecom of America, Inc. (MTA) I, James Smutniak, have personal knowledge that the Company has established and has adhered to operating procedures to ensure compliance with the Federal Communications Commission's (FCC) Customer Proprietary Network Information (CPNI) rules. MTA's procedures are as follows:

1. MTA exclusively serves business customers, and each and every customer subscribes to MTA services under a written contractual arrangement. Each MTA customer has a dedicated account manager assigned to it. Accordingly, MTA qualifies for the business customer exemption under FCC rules. MTA has nonetheless taken measures to ensure that customer's CPNI is not compromised.
2. MTA does not under any circumstances whatsoever disseminate Customer's CPNI to any third party affiliates, agents, or other such parties for sales/marketing campaigns. MTA does not conduct outbound or inbound sales and marketing campaigns that make use of a Customer's CPNI. If ever MTA decides at a future date to conduct marketing campaigns whereby CPNI is shared with unaffiliated 3rd parties, MTA will strictly adhere to opt-in consent requirements as defined by the FCC's April 2007 order.
3. As a matter of company policy, Customer's requests for CPNI, including requests for duplicate call detail record information, will not be filled by MTA in the absence of the Customer's written request on the Customer's letterhead. MTA will only deliver the requested CPNI to the facsimile numbers on file for the requesting Customer, or to the Customer's mailing address. MTA will not deliver any Customer information, whether such information is considered a part of CPNI or not, to addresses, fax numbers, or to contact individuals not already on file specific to that Customer. MTA does not serve residential Customers.
4. MTA takes additional precautions to ensure that brokers or other unauthorized individuals do not receive CPNI including call detail records. If a Customer requests call detail information or other CPNI, MTA personnel are trained to refer said Customer directly to the Customer's monthly invoice, where said information has already been provided to the Customer. If a Customer claims to have lost his/her invoice and is in need of a replacement copy, MTA will provide via US Mail, a replacement copy only to the mailing address on file for that Customer.

Exhibit A
Statement of CPNI Procedures and Compliance
Midwest Telecom of America, Inc.
Page 2

5. On occasion, MTA has received requests for telephone records from individuals who request such information for law enforcement purposes. MTA's strict policy is to only release the requested information only upon submission of a properly documented subpoena for said information.
6. Unlike numerous other telecommunications service providers, MTA does not outsource its customer service function. All customer service is rendered directly by account managers who are direct employees of MTA, and who work at our headquarters in Merrillville, Indiana. Each MTA account manager is specifically assigned to a designated Customer base. By retaining the customer service function in-house, the owners and officers of MTA have supervisory control and personal knowledge that MTA has established and has adhered to operating procedures that ensure compliance with FCC rules pertaining to CPNI. In addition, each MTA account manager receives on going training in order to ensure his/her compliance with the guidelines described herein.

Signed 
Dated 2-16-2010